

GOVERNMENT OF TELANGANA
A B S T R A C T

Public Servants – Allegation of corruption against Sri Gabbeta Kumaraswamy, Assistant Engineer, O/o the Executive Engineer, I & CAD Department, Irrigation Division, Mahabubabad – Trapped on 13.08.2013 – Sanction of Prosecution - orders – issued.

IRRIGATION & CAD (VIG.I-2) DEPARTMENT

G.O.MS.No. 45.

Dated: 16.03.2015

O R D E R:-

Whereas, Sri Gabbeta Kumaraswamy, S/o.Late Rajaiah, age: 50 yrs, Occ: Assistant Engineer, O/o the Executive Engineer, I & CAD Department, Irrigation Division Mahabubabad of Warangal District worked from 10.06.2013 and by virtue of the post held by him, he falls under the category of Public servant as defined under clause (c) of Section 2 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988).

2) And whereas, on 05.08.2013 at 6.30 P.M, the complainant, Sri Thanneeru Vishwanath, S/o. Venkat Narsaiah, age: 68 Years, R/o. Room No. 135, CR Foundation Old Age Home, Kondapur, Hyderabad came to the office of DSP, ACB, Warangal Range and lodged a Telugu written complaint with the DSP, ACB, Warangal Range, stating that, in the year 1985 he purchased an open plot admeasuring 1326 Sq. yds in Sy. Nos. 1016 & 1017 in the name of his daughter Thanneeru Manjula. In the year 2008, he applied for LRS to the said land in KUDA Warangal. On that, in the month of September 2012, the KUDA authorities have addressed letters to the Tahsildar, Hanamkonda for status report and to the EE, Irrigation for FTL clearance. About 6 months prior to 05.08.2013, the status report was sent by the Tahsildar, Hanamkonda. As the clearance report was pending from EE, Irrigation, about 4 months prior to 05.08.2013 he went to the office of EE Irrigation, Warangal, met the concerned AE namely Sri G.Kumaraswamy and when enquired about the FTL clearance, he demanded Rs.1,20,000/- as bribe and told that, on payment of the said bribe, he will manage Dy.EE, EE and he will look after the work relating to FTL clearance. But he went back expressing stating that he is not in a possession to give such a huge amount. Again, in the first week of last month, he met Sri Kumaraswamy, AE in the evening hours at his office and when enquired about his work, Sri Kumaraswamy reiterated his demand of Rs.1,20,000/- as bribe. On his repeated requests, Sri Kumaraswamy AE reduced the bribe amount to Rs.60,000/. But as there was no other way, he agreed to give Rs.50,000/- and requested Sri Kumaraswamy to see that his work is completed. At last, on 05.08.2013 evening hours he met Sri Kumaraswamy, AE nearby the office of EE, Irrigation Warangal and when enquired about FTL, NOC, Sri Kumaraswamy reiterated his demand of Rs.50,000/- as bribe and told that the NOC was prepared and the signatures of Dy.EE and EE were also done and informed that only on payment of the demanded bribe, he will collect it and hand over the same to him. On that, he agreed to give to the said amount and informed that he will arrange the amount and bring it within a week, for which Sri Kumaraswamy also informed that he will be available on 12.08.2013 & 13.08.2013. But as he does not like to pay the bribe to Sri Kumaraswamy, AE Irrigation, requested to take necessary action against Sri Kumaraswamy, AE Irrigation.

On receipt of the above complaint, after causing thorough enquiry about the genuineness of the complaint and reputation of the A.O. and on being satisfied about the demand of bribe made by the A.O., the DSP, ACB obtained permission from the competent authority and registered case in Cr.No.11/ACB-WRL/2013 U/s.7 of P.C. Act, 1988 on 13.8.2013 at 08.30 A.M and took up the investigation.

(P.T.O)

3) And whereas, it is further alleged that, Sri Gabbeta Kumaraswamy was trapped on 13.08.2013 when he further demanded and accepted the bribe amount of Rs.50,000/- (Rupees Fifty Thousand only) from the complainant, Sri.Thanneeru Vishwanadham, for doing official favour i.e., to hand over the FTL NOC pertaining to the open plot in Sy. Nos. 1016 and 1017 of his daughter.

When DSP, ACB conducted Sodium Carbonate solution test on the both hand fingers of Sri Gabbeta Kumaraswamy, the fingers of his both the hands turned into pink colour and the tainted bribe amount of Rs.50,000/- was recovered from the possession of Sri Gabbeta Kumaraswamy at his instance which was found in his right hand. The DSP seized the said amount. Sri Manchala Bhaskar, Jr. Asst. of the office produced the concerned file at the instance of Sri G.Kumaraswamy and the same was seized by the DSP.

4) And whereas, the above said acts Sri Gabbeta Kumaraswamy constitute offences punishable under section 7 and sub-section (2) of section 13 read with clause (d) of sub-section (1) of section 13 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988).

5) And whereas, the Government of Telangana, being the competent authority to remove the said Sri Gabbeta Kumaraswamy, AE., O/o. Executive Engineer, I & CAD Dept., Irrigation Division, Mahabubabad of Warangal District from the Government Service and after fully and carefully examining the material placed before them in respect of the said allegations and having regard to the facts and circumstances of the case, consider that the said Sri Gabbeta Kumaraswamy, should be prosecuted in a Court of law, for the said offence.

6) Now, therefore in exercise of the powers conferred under clause (b) of sub-section (1) of section 19 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) the Government of Telangana hereby accord sanction for prosecution of Sri Gabbeta Kumaraswamy, A.E., O/o. Executive Engineer, Irrigation & CAD Department, Irrigation Division, Mahabubabad of Warangal District for the aforesaid offences punishable under Section 7 and sub-section (2) of section 13 read with clause (d) of sub-section (1) of section 13 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) and for any other cognate offences punishable under any other provisions of law for the time being in force in respect of the above said acts and for taking cognizance of the said offences by a Court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

(SHAILENDRA KUMAR JOSHI)
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General,
Anti-Corruption Bureau,
Telangana, Hyderabad.
Copy to Law (A) Department.